

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**HERMAN P. PRICE, AKA RONALD
DAVIS, ET AL.,**

Plaintiff,

Vs.

LEE LUCAS, ET AL.,

Defendant.

CASE NO.1:09CV118

JUDGE CHRISTOPHER A. BOYKO

OPINION AND ORDER

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Plaintiff's Motion to Take Discovery (ECF # 60). Based on the Court's individual rulings on Defendants' Motions for Summary Judgment and Motion to Dismiss, and the Sixth Circuit's holding in *Westerfield v. United States, et al.*, 2010 WL 653535 (6th Cir. Feb. 24, 2010), the Court grants, in part, Plaintiff's Motion. The Court will permit limited discovery on the issue of qualified immunity. The Court will hold a status conference to discuss the scope of the discovery.

IT IS SO ORDERED.

S/Christopher A. Boyko
CHRISTOPHER A. BOYKO
United States District Judge

March 23, 2011